

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

PLYMOUTH COUNTY RETIREMENT ) Case No.: 1:11-cv-01068-TDS-LPA  
ASSOCIATION, on Behalf of Itself and ) CLASS ACTION  
All Others Similarly Situated, )  
Plaintiffs, )  
v. )  
PRIMO WATER CORPORATION, ET AL., )  
Defendants. )

## JOINT MOTION FOR AN EXTENSION OF PAGE LIMITS

Defendants Primo Water Corporation, Billy D. Prim, Mark Castaneda, David J. Mills, Richard A. Brenner, David W. Dupree, Malcolm McQuilkin, and David L. Warnock (collectively, “Primo Defendants”) and Lead Plaintiff Employees’ Retirement System of the Government of the Virgin Islands and Plaintiff Plymouth County Retirement Association (collectively, “Plaintiffs”) hereby respectfully move the Court for an order permitting the filing of briefs in connection with Defendants’ Motion to Dismiss that exceed the page limits set forth in Local Rule 7.3(d). In support of this Motion, the Parties show the Court as follows:

1. On June 22, 2012, Plaintiffs filed their Amended Class Action Complaint for Violations of the Federal Securities Laws (“Amended Complaint”), alleging violations of Sections 11, 12(a)(2) and 15 of the Securities Act of 1933 (the “‘33 Act Claims”) and Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder (the “‘34 Act Claims”), all as amended by the Private Securities Liability Reform Act of 1995.

2. The Amended Complaint is 132 pages long and contains 296 paragraphs.

3. Because of the extensive factual allegations and the number and complexity of legal claims asserted against Primo Defendants, and in order to address and facilitate the Court's review and consideration of these allegations and claims, the Primo Defendants and Plaintiffs respectfully request the Court to extend the page limitations prescribed by Local Rule 7.3(d) as follows:

- (a) The page limitation for Primo Defendants' brief in support of their motion to dismiss shall be extended to forty (40) pages;
- (b) The page limitation for Plaintiffs' response to Primo Defendants' motion to dismiss shall be extended to forty (40) pages;
- (c) The page limitation for Primo Defendants' reply to Plaintiffs' response shall be extended to twenty (20) pages.

4. In a recent securities litigation case in this District, *Phillips v. Triad Guaranty Inc.*, Civil Action No. 1:09-CV-00071, the Court (per Magistrate Judge Sharp, who prior to his retirement was the Magistrate Judge assigned to this case) entered an Order allowing the parties to file a brief of no more than forty (40) pages in support of, or in response to, defendants' motion to dismiss plaintiff's amended class action complaint. The Amended Complaint in the *Phillips* case asserted claims under the '34 Act only (with no claims under the '33 Act), is 110 pages long and consists of 204 paragraphs. The Parties respectfully suggest that this case is of comparable complexity and merits similar treatment regarding the page limitations on the motion to dismiss.

5. All parties to this case have consented to the entry of an Order granting this Motion.

WHEREFORE, the moving parties respectfully request that the Court enter an Order granting this Motion. A proposed Order is submitted herewith.

Respectfully submitted, this 1<sup>st</sup> day of August, 2012.

/s/ Kiran H. Mehta

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/s/ David J. George

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **JOINT MOTION FOR AN EXTENSION OF PAGE LIMITS** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to the registered attorneys of record.

This 1<sup>st</sup> day of August, 2012.

/s/ Kiran H. Mehta

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